IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO: 18323 of 2003

Between:

1 K. Ravikumar s/o Kishan
Mudhole, Adilabad District
2 Ch. Madhavi S/o Satyanarayana
Lakattipet, Adilabad District
3 G. Ashok Reddy S/o G. Lingaiah
R/o Sirpur (T) adilabad District
4 Mary Amala D/o Balashow Reddy
R/o Nirmal Adilabad
5 J. Meenakshi D/o Gangadhar Rao
r/o Boath Adilabad district
6 R. Narender Kumar S/o Madhukar Rao
R/o Mudhole Adilabad Distirct
7 K. Ramachandram S/o Sambaiah
R/o Mudhole Adilabad Distirct
8 C. Anitha D/o Krishnamurthy
R/o Boath Adilabad
9 T. Sandhya Rani D/o Sarabalingam
r/o Laxettipet Adilabad District
10 V. Parameshwari d/o Prathap Reddy
R/o Bellampally Adilabad District
11 K.Vasantha Kumari D/o Seetharamaiah
Adilabad
12 Ch. Venkateswar Rao S/o Chinna Gopaiah
C-Belagal, Kurnool district
13 S. Murali Mohan s/o Narasappa
C-Belagal, Kurnool district
14 M.V. Konda reddy s/o Bayanna
C-Belagal, Kurnool district
15 N. Kiran Raju S/o Sunder Raju
C-Belagal, Kurnool district
16 P. Nageswar Rao s/o Chandraiah
C-Belagal, Kurnool district

17 B. Suresh Kumar S/o B Pamidattu
Husnabad
18 L. Bijilikumari D/o Venkanna
19 D.N. Victoria Jyothi D/o Victor Paul
Husnabad
20 Y.B. Rathnakumari D/o Gani Raju
Husnabad
21 VV Prasantha kumari D/o Jesu Das,
Husnabad
22 P. Mercy prasanthi D/o P. Bulliseshayya
Husnabad
23 D. balaraju S/o Buchinarsu
Husnabad
24 B. Babu Rao s/o Swamy,
Husnabad
25 J. S. Suharlatha D/o Sunder Rao
r/o Nandigon
26 B. Babu rao s/o Swamy
R/o N Puram

... PETITIONERS

AND

1 A.P. Social Welfare Residential Educational Institutions Society (Regd)
Masab Tank, Hyderabad rep by its Secretary
2 Governmnet of Andhra Pradesh rep by its Principal Secretary, Social

Welfare Department, Secretariat, Hyderabad .

RESPONDENTS.

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue an order or direction or Writ specially Writ of Mandamus declaring the action of respondents in not absorbing the petitioners in the regular vacancies as illegal and arbitrary, (ii) declaring the notification No. R1/20591/2002 dt 30-6-2003 and Consequential selection of the Candidates for recruitment of Resident Teachers (Trained Graduate Teachers) on regular basis ;before regularization of the contract teachers who have put in 5 years and above service as illegal and arbitrary (iii) direct the respondents to regularize the contract teachers including the petitioners in terms of S.So No. 40/96 dt 17-12-1996 in the existing regular posts of Resident Teachers (trained Graduate Teacher) on regular basis vides notification No. R1/20591/2002 dt 30-6-2003 till the contract teachers who have completed five years of service are absorbed

Counsel for the Petitioner: MR.M.VENKAT RAM REDDY

Counsel for the Respondents:

MR.VIJAYA BHASKAR MOOLA FOR R1

The Court made the following Order:

ORDER:

Petitioners filed this Writ Petition and obtained an interim direction in W.P.M.P.No.22832 of 2003 dated 29-08-2003 to continue them in service pending further orders.

2. Against the similar interim orders in W.P.M.P.No.17199 of 2003 in W.P.13873 of 2003, Writ Appeal No.350 of 2004 was filed and a Division Bench of this Court comprising of Hon'ble The Chief Justice and The Hon'ble Dr. Justice G. Yethirajulu disposed of the same by a judgment dated 23-02-2004 in respect of similarly constituted petitioners who are working in Andhra Pradesh Social Welfare Residential Educational Institutions Society.

2. Learned counsel for the petitioners submits that in view of the said judgment of the Division Bench of this Court in Writ Appeal No.350 of 2004, petitioners are also entitled for the benefit of such directions and the Writ Petition may also be disposed of in terms of the said orders.

3. On the other hand, it is stated by the respondents in the counter that proposal had been submitted to the Government by the respondent-society for examining the possibility of regularization of the services of the Contract teachers and a separate proposal was also submitted to the Government subsequently through letter dated 13-08-2002 seeking permission to fill up certain vacancies on regular basis as well as seeking permission to regularize the services of teachers working on contract basis. The Government, through its letter dated 21-08-2002 directed to fill up only 50% of the vacancies on regular basis and remaining vacancies on contract basis. It is further stated in the counter that on the proposal of regularization of the contract teachers, no orders have

yet been communicated to the society by the Government.

4. The petitioners, who are contract teachers are being continued for last more than eight years and in the meanwhile the process of filling up 50% of the vacancies has been commenced which gave rise to the grievance of the teachers working on contract basis on the ground of legitimate expectation of being regularized. Pursuant to the interim direction, the petitioners are being continued in service by the respondents.

5. In view of the judgment of the Division Bench in the aforesaid Writ Appeal, this Writ Petition is disposed of directing the Government to consider the proposals submitted by the Society for regularization of the contract teachers in existing vacancies by suggesting a formula or a scheme and such a decision should be taken within a period of three months from the date of receipt of a copy of this order and the same shall be communicated to the Society thereafter, so as to avoid unnecessary hardship to the teachers employed on contract basis. No order as to costs.

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(V. ESWARAIAH, J)

July 19, 2004

MRR/TS

NOTE:

Furnish copy in three days.

Copy to:

1 Secretary A.P. Social Welfare Residential Educational Institutions Society

(Regd) Masab Tank, Hyderabad.

2 Principal Secretary Government of Andhra Pradesh, Social Welfare Department, Secretariat, Hyderabad .

3 Two C.D. Copies.